

# House File 103 - Introduced

HOUSE FILE 103

BY WINCKLER

## A BILL FOR

1 An Act relating to the duties and operations of the state  
2 commission of libraries, the division of libraries and  
3 information services, and the library service areas.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.454, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. A monthly per contract administrative charge shall  
4 be assessed by the department on all health insurance plans  
5 administered by the department in which the contract holder  
6 has a state employer to pay the charge. The amount of the  
7 administrative charge shall be established by the general  
8 assembly. The department shall collect the administrative  
9 charge from each department utilizing the centralized payroll  
10 system and shall deposit the proceeds in the fund. In  
11 addition, the state board of regents, ~~all library service~~  
12 ~~areas~~, the state fair board, the state department of  
13 transportation, and each judicial district department of  
14 correctional services shall remit the administrative charge on  
15 a monthly basis to the department and shall submit a report  
16 to the department containing the number and type of health  
17 insurance contracts held by each of its employees whose health  
18 insurance is administered by the department.

19 Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011,  
20 is amended to read as follows:

21 a. "Public agency" means a state agency, an institution  
22 under the control of the board of regents, the judicial  
23 branch as provided in section 8D.13, subsection 16, a school  
24 corporation, a city library, ~~a library service area as provided~~  
25 ~~in chapter 256~~, a county library as provided in chapter 336,  
26 or a judicial district department of correctional services  
27 established in section 905.2, to the extent provided in section  
28 8D.13, subsection 14, an agency of the federal government, or a  
29 United States post office which receives a federal grant for  
30 pilot and demonstration projects.

31 Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. A private or public agency, other than a state agency,  
34 local school district or nonpublic school, city library,  
35 ~~library service area~~, county library, judicial branch, judicial

1 district department of correctional services, agency of the  
 2 federal government, a hospital or physician clinic, or a  
 3 post office authorized to be offered access pursuant to this  
 4 chapter as of May 18, 1994, shall certify to the commission  
 5 no later than July 1, 1994, that the agency is a part of or  
 6 intends to become a part of the network. Upon receiving such  
 7 certification from an agency not a part of the network on May  
 8 18, 1994, the commission shall provide for the connection of  
 9 such agency as soon as practical. An agency which does not  
 10 certify to the commission that the agency is a part of or  
 11 intends to become a part of the network as required by this  
 12 subsection shall be prohibited from using the network.

13 Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended  
 14 to read as follows:

15 4. A political subdivision receiving communications  
 16 services from the state as of April 1, 1986, may continue to  
 17 do so but communications services shall not be provided or  
 18 resold to additional political subdivisions other than a school  
 19 corporation, a city library, ~~a library service area as provided~~  
 20 ~~in chapter 256,~~ and a county library as provided in chapter  
 21 336. The rates charged to the political subdivision shall be  
 22 the same as the rates charged to state agencies.

23 Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended  
 24 to read as follows:

25 1. All funds held by the following officers or institutions  
 26 shall be deposited in one or more depositories first approved  
 27 by the appropriate governing body as indicated: for the  
 28 treasurer of state, by the executive council; for judicial  
 29 officers and court employees, by the supreme court; for the  
 30 county treasurer, recorder, auditor, and sheriff, by the board  
 31 of supervisors; for the city treasurer or other designated  
 32 financial officer of a city, by the city council; for the  
 33 county public hospital or merged area hospital, by the board  
 34 of hospital trustees; for a memorial hospital, by the memorial  
 35 hospital commission; for a school corporation, by the board

1 of school directors; for a city utility or combined utility  
 2 system established under chapter 388, by the utility board;  
 3 ~~for a library service area established under chapter 256,~~  
 4 ~~by the library service area board of trustees;~~ and for an  
 5 electric power agency as defined in section 28F.2 or 390.9,  
 6 by the governing body of the electric power agency. However,  
 7 the treasurer of state and the treasurer of each political  
 8 subdivision or the designated financial officer of a city shall  
 9 invest all funds not needed for current operating expenses in  
 10 time certificates of deposit in approved depositories pursuant  
 11 to this chapter or in investments permitted by section 12B.10.  
 12 The list of public depositories and the amounts severally  
 13 deposited in the depositories are matters of public record.  
 14 This subsection does not limit the definition of "public funds"  
 15 contained in subsection 2. Notwithstanding provisions of this  
 16 section to the contrary, public funds of a state government  
 17 deferred compensation plan established by the executive council  
 18 may also be invested in the investment products authorized  
 19 under section 509A.12.

20     Sec. 6. Section 218.22, Code 2011, is amended to read as  
 21 follows:

22     **218.22 Record privileged.**

23     Except with the consent of the administrator in charge  
 24 of an institution, or on an order of a court of record, the  
 25 record provided in section 218.21 shall be accessible only  
 26 to the administrator of the division of the department of  
 27 human services in control of such institution, the director  
 28 of the department of human services and to assistants and  
 29 proper clerks authorized by such administrator or the  
 30 administrator's director. The administrator of the division  
 31 of such institution is authorized to permit the division of  
 32 ~~libraries and information~~ library services of the department  
 33 of education and the historical division of the department of  
 34 cultural affairs to copy or reproduce by any photographic,  
 35 photostatic, microfilm, microcard or other process which

1 accurately reproduces a durable medium for reproducing the  
2 original and to destroy in the manner described by law such  
3 records of residents designated in section 218.21.

4 Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,  
5 is amended to read as follows:

6 Except for the college student aid commission, the  
7 commission of libraries and division of library services, and  
8 the public broadcasting board and division, the state board  
9 shall:

10 Sec. 8. Section 256.7, subsection 17, Code 2011, is amended  
11 to read as follows:

12 17. Receive and review the budget and unified plan of  
13 service submitted by the division of ~~libraries and information~~  
14 library services.

15 Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,  
16 is amended to read as follows:

17 Except for the college student aid commission, the  
18 commission of libraries and division of library services, and  
19 the public broadcasting board and division, the director shall:

20 Sec. 10. Section 256.50, subsection 2, Code 2011, is amended  
21 to read as follows:

22 2. "*Division*" means the division of ~~libraries and~~  
23 ~~information~~ library services of the department of education.

24 Sec. 11. Section 256.51, subsection 1, unnumbered paragraph  
25 1, Code 2011, is amended to read as follows:

26 The division of ~~libraries and information~~ library services  
27 ~~is established within~~ attached to the department of education  
28 for administrative purposes. The state librarian shall be  
29 responsible for the division's budgeting and related management  
30 functions in accordance section 256.52, subsection 3. The  
31 division shall do all of the following:

32 Sec. 12. Section 256.51, subsection 1, Code 2011, is amended  
33 by adding the following new paragraph:

34 NEW PARAGRAPH. 0a. Provide support services to libraries,  
35 including but not limited to consulting, continuing education,

1 interlibrary loan services, and references services to assure  
2 consistency of service statewide and to encourage local  
3 financial support for library services.

4 Sec. 13. Section 256.51, subsection 1, paragraph d, Code  
5 2011, is amended to read as follows:

6 *d.* Develop, in consultation with the ~~library service areas~~  
7 ~~and the area education agency media centers,~~ a biennial unified  
8 plan of service and service delivery for the division of  
9 ~~libraries and information~~ library services.

10 Sec. 14. Section 256.51, subsection 1, paragraph j, Code  
11 2011, is amended to read as follows:

12 *j.* Establish and administer standards for state agency  
13 ~~libraries, the library service areas,~~ and public libraries.

14 Sec. 15. Section 256.51, subsection 1, paragraph k, Code  
15 2011, is amended by striking the paragraph.

16 Sec. 16. Section 256.51, subsection 2, paragraph c, Code  
17 2011, is amended to read as follows:

18 *c.* Accept gifts, contributions, bequests, endowments,  
19 or other moneys, including but not limited to the Westgate  
20 endowment fund, for any or all purposes of the division.  
21 Interest earned on moneys accepted under this paragraph  
22 shall be credited to the fund or funds to which the gifts,  
23 contributions, bequests, endowments, or other moneys have been  
24 deposited, and is available for any or all purposes of the  
25 division. The division shall report annually to the ~~director~~  
26 commission and the general assembly regarding the gifts,  
27 contributions, bequests, endowments, or other moneys accepted  
28 pursuant to this paragraph and the interest earned on them.

29 Sec. 17. Section 256.52, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. *a.* The state commission of libraries consists of one  
32 member appointed by the supreme court, the director of the  
33 department of education, or the director's designee, and ~~six~~  
34 the following seven members who shall be appointed by the  
35 governor to serve four-year terms beginning and ending as

1 provided in section 69.19. ~~The governor's appointees shall~~

2 (1) Two members shall be employed in the state as public  
3 librarians.

4 (2) One member shall be a public library trustee.

5 (3) One member shall be employed in this state as an  
6 academic librarian.

7 (4) One member shall be employed as a librarian by a school  
8 district or area education agency.

9 (5) Two members shall be selected at large.

10 b. The members shall be reimbursed for their actual  
11 expenditures necessitated by their official duties. Members  
12 may also be eligible for compensation as provided in section  
13 7E.6.

14 Sec. 18. Section 256.52, subsection 3, paragraph b,  
15 subparagraphs (1) and (4), Code 2011, are amended to read as  
16 follows:

17 ~~(1) Direct and organize the activities of~~ Organize, staff,  
18 and administer the division so as to render the greatest  
19 benefit to libraries in the state.

20 ~~(4) Appoint and approve the technical, professional,~~  
21 ~~excepting the law librarian,~~ secretarial, and clerical staff  
22 necessary to accomplish the purposes of the division subject  
23 to chapter 8A, subchapter IV.

24 Sec. 19. Section 256.52, subsection 3, paragraph b, Code  
25 2011, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding  
27 obligations of the library service areas and be liable for  
28 and recognize, assume, and carry out all valid contracts and  
29 obligations of the library service areas that are consolidated  
30 under the commission and administered by the division effective  
31 beginning July 1, 2011. Each library service area shall  
32 transfer, prior to July 1, 2011, its state-funded assets and  
33 title to any state-funded real estate owned by the library  
34 service area to the state librarian.

35 (b) This subparagraph is repealed July 1, 2015.

1     Sec. 20. Section 256.52, subsection 5, Code 2011, is amended  
2 to read as follows:

3     5. The commission shall receive and approve the budget and  
4 unified plan of service submitted by the division ~~of libraries~~  
5 ~~and information services~~.

6     Sec. 21. Section 256.54, subsection 1, Code 2011, is amended  
7 to read as follows:

8     1. The state library includes but is not limited to ~~a law~~  
9 library the library support network, the specialized library  
10 services unit, and the state data center. The law library  
11 shall be under the direction of the specialized library  
12 services unit.

13     Sec. 22. Section 256.54, subsection 2, unnumbered paragraph  
14 1, Code 2011, is amended to read as follows:

15     The law library shall be administered by a law librarian  
16 appointed by the ~~director~~ state librarian subject to chapter  
17 8A, subchapter IV, who shall do all of the following:

18     Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011,  
19 is amended to read as follows:

20     A state data center is established in the ~~department~~  
21 ~~of education~~ division. The state data center shall be  
22 administered by the state data center coordinator, who shall  
23 do all of the following:

24     Sec. 24. NEW SECTION. 256.58 Library support network.

25     1. A library support network is established in the division  
26 to offer services and programs for libraries, including but not  
27 limited to individualized, locally delivered consulting and  
28 training, and to facilitate resource sharing and innovation  
29 through the use of technology, administer enrich Iowa programs,  
30 advocate for libraries, promote excellence and innovation  
31 in library services, encourage governmental subdivisions to  
32 provide local financial support for local libraries, and ensure  
33 the consistent availability of quality service to all libraries  
34 throughout the state, regardless of location or size.

35     2. The organizational structure to deliver library support



1 network services shall include district offices. The district  
2 offices shall serve as a basis for providing field services  
3 to local libraries in the counties comprising the district.  
4 The division shall determine which counties are served by each  
5 district office.

6 Sec. 25. NEW SECTION. **256.59 Specialized library services.**

7 The specialized library services unit is established in the  
8 division to provide information services to the three branches  
9 of state government and to offer focused information services  
10 to the general public in the areas of Iowa law, Iowa state  
11 documents, and Iowa history and culture.

12 Sec. 26. NEW SECTION. **256.62 Library services advisory  
13 panel.**

14 1. The state librarian shall convene a library services  
15 advisory panel to advise and recommend to the commission and  
16 the division evidence-based best practices, to assist the  
17 commission and division to determine service priorities and  
18 launch programs, articulate the needs and interests of Iowa  
19 librarians, and share research and professional development  
20 information.

21 2. The library services advisory panel shall consist of no  
22 fewer than eleven members representing libraries of all sizes  
23 and types, and various population levels and geographic regions  
24 of the state. A simple majority of the members appointed  
25 shall be appointed by the executive board of the Iowa library  
26 association and the remaining members shall be appointed by  
27 the state librarian. Terms of members shall begin and end  
28 as provided in section 69.19. Any vacancy shall be filled  
29 in the same manner as regular appointments are made for the  
30 unexpired portion of the regular term. Members shall serve  
31 four-year terms which are staggered at the discretion of the  
32 state librarian. A member is eligible for reappointment for  
33 three successive terms. The members shall elect a chairperson  
34 annually.

35 3. The library services advisory panel shall meet at least

1 twice annually and shall submit its recommendations in a  
2 report to the commission and the state librarian at least once  
3 annually. The report shall be timely submitted to allow for  
4 consideration of the recommendations prior to program planning  
5 and budgeting for the following fiscal year.

6 4. Members of the library services advisory panel shall  
7 receive actual and necessary expenses incurred in the  
8 performance of their duties. Expenses shall be paid from funds  
9 appropriated to the department for purposes of the division.

10 Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,  
11 is amended to read as follows:

12 The division of ~~libraries and information~~ library services  
13 of the department of education is hereby authorized to enter  
14 into interstate library compacts on behalf of the state of Iowa  
15 with any state bordering on Iowa which legally joins therein  
16 in substantially the following form and the contracting states  
17 agree that:

18 Sec. 28. Section 256.71, Code 2011, is amended to read as  
19 follows:

20 **256.71 Administrator.**

21 The administrator of the division of ~~libraries and~~  
22 ~~information~~ library services shall be the compact  
23 administrator. The compact administrator shall receive copies  
24 of all agreements entered into by the state or its political  
25 subdivisions and other states or political subdivisions;  
26 consult with, advise and aid such governmental units in the  
27 formulation of such agreements; make such recommendations to  
28 the governor, legislature, governmental agencies and units as  
29 the administrator deems desirable to effectuate the purposes  
30 of this compact and consult and co-operate with the compact  
31 administrators of other party states.

32 Sec. 29. Section 273.2, subsection 4, Code 2011, is amended  
33 to read as follows:

34 4. The area education agency board shall provide for special  
35 education services and media services for the local school

1 districts in the area and shall encourage and assist school  
 2 districts in the area to establish programs for gifted and  
 3 talented children. The board shall assist in facilitating  
 4 interlibrary loans of materials between school districts and  
 5 other libraries. ~~Each area education agency shall include~~  
 6 ~~as a member of its media center advisory committee a library~~  
 7 ~~service area trustee or library service area staff member, who~~  
 8 ~~is appointed to the committee by the commission of libraries.~~

9 Sec. 30. Section 669.2, subsection 5, Code 2011, is amended  
 10 to read as follows:

11 5. "*State agency*" includes all executive departments,  
 12 agencies, boards, bureaus, and commissions of the state of  
 13 Iowa, and corporations whose primary function is to act as, and  
 14 while acting as, instrumentalities or agencies of the state of  
 15 Iowa, whether or not authorized to sue and be sued in their  
 16 own names. This definition does not include a contractor with  
 17 the state of Iowa. Soil and water conservation districts  
 18 as defined in section 161A.3, subsection 6, and judicial  
 19 district departments of correctional services as established in  
 20 section 905.2, ~~and library service area boards of trustees as~~  
 21 ~~established in chapter 256~~ are state agencies for purposes of  
 22 this chapter.

23 Sec. 31. Section 904.601, unnumbered paragraph 1, Code  
 24 2011, is amended to read as follows:

25 The director shall keep the following record of every person  
 26 committed to any of the department's institutions: Name,  
 27 residence, sex, age, place of birth, occupation, civil  
 28 condition, date of entrance or commitment, date of discharge,  
 29 whether a discharge is final, condition of the person when  
 30 discharged, the name of the institutions from which and to  
 31 which the person has been transferred, and if the person is  
 32 dead, the date and cause of death. The director may permit  
 33 the division of ~~libraries and information~~ library services of  
 34 the department of education and the historical division of  
 35 the department of cultural affairs to copy or reproduce by

1 any photographic, photostatic, microfilm, microcard, or other  
2 process which accurately reproduces in a durable medium and to  
3 destroy in the manner described by law the records of inmates  
4 required by this paragraph.

5 Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through  
6 256.68, Code 2011, are repealed.

7 Sec. 33. TRANSITION PROVISION. A governor's appointee  
8 serving on the state commission of libraries on the effective  
9 date of this Act shall continue to serve as a member of the  
10 commission until the appointee's term expires.

11 Sec. 34. LIBRARY SERVICE AREA EMPLOYEES — LENGTH OF SERVICE  
12 — TRANSFER OF PERSONNEL RECORDS.

13 1. The length of service of a permanent employee of a  
14 library service area who is employed by a library service area  
15 on June 30, 2011, and who is hired by the division of library  
16 services on or after July 1, 2011, shall be prorated and  
17 credited as state employment service for purposes of vacation  
18 and sick leave accrual.

19 2. The area administrator of each library service area  
20 shall submit to the division of library services the personnel  
21 records of each permanent full-time employee of the library  
22 service area by July 1, 2011.

23 EXPLANATION

24 This bill changes the name of the division of libraries and  
25 information services within the department of education to the  
26 division of library services, establishes that the division is  
27 attached to the department for administrative purposes only,  
28 establishes within the division a library support network and  
29 a specialized library services unit, expands the membership  
30 of the commission of libraries, directs the state librarian  
31 to convene a library services advisory panel, and eliminates  
32 the library service areas effective July 1, 2011, transfers  
33 their duties to the division, and directs the state librarian  
34 to assume all of the outstanding obligations of the library  
35 service areas.

1 The state librarian is made responsible for the division's  
2 budgeting and related management functions, and is directed to  
3 organize, staff, and administer the division so as to render  
4 the greatest benefit to libraries in the state.

5 Each library service area is directed to transfer, prior  
6 to July 1, 2011, its state-funded assets and title to any  
7 state-funded real estate owned by the library service area to  
8 the state librarian, who currently controls all property of the  
9 division.

10 The division is directed to provide support services to  
11 libraries, including but not limited to consulting, continuing  
12 education, and interlibrary loan and references services to  
13 assure consistency of service statewide and to encourage local  
14 financial support for library services.

15 The commission of libraries membership is increased by one  
16 member. Currently, members are appointed by the governor  
17 and are appointed on an at-large basis. Under the bill, the  
18 members include public librarians, a public library trustee,  
19 an academic librarian, a school district or area education  
20 agency librarian, and two members appointed on an at-large  
21 basis. A governor's appointee serving on the state commission  
22 of libraries on the effective date of the bill shall continue  
23 to serve as a member of the commission until the appointee's  
24 term expires.

25 The bill provides that the law librarian be appointed by the  
26 state librarian, rather than the director of the department of  
27 education.

28 A library support network is established in the division  
29 to offer services and programs for libraries, including  
30 individualized, locally delivered consulting services and  
31 training, and to facilitate resource sharing and innovation  
32 through the use of technology, administer enrich Iowa programs,  
33 advocate for libraries throughout the state, provide support  
34 for information technology, seek and offer opportunities  
35 to libraries throughout the state, promote excellence and

1 innovation in library services, encourage governmental  
2 subdivisions to provide local financial support for local  
3 libraries, and ensure the consistent availability of quality  
4 service to all libraries throughout the state, regardless of  
5 location or size.

6 The specialized library services unit is established in the  
7 division to provide information services to the three branches  
8 of state government and to offer focused information services  
9 to the general public in the areas of Iowa law, Iowa state  
10 documents, and Iowa history and culture.

11 The library services advisory panel is tasked with  
12 advising and recommending to the commission and the division  
13 evidence-based best practices, assisting the commission and  
14 division to determine service priorities and launch programs,  
15 articulating the needs and interests of Iowa librarians, and  
16 sharing research and professional development information.  
17 The library services advisory panel consists of at least 11  
18 members representing libraries of all sizes and types, and  
19 various population levels and geographic regions of the state.  
20 A simple majority of the members shall be appointed by the  
21 executive board of the Iowa library association, with the state  
22 librarian appointing the remaining members. Members shall  
23 serve four-year terms which are staggered at the discretion of  
24 the state librarian. A member is eligible for reappointment  
25 for three successive terms. The members shall elect a  
26 chairperson annually. Members of the library services advisory  
27 panel shall receive actual and necessary expenses incurred in  
28 the performance of their duties. Expenses are paid from funds  
29 appropriated to the department for purposes of the division.

30 The library services advisory panel shall meet at least  
31 twice annually and shall submit its recommendations in a  
32 report to the commission and the state librarian at least once  
33 annually in time to allow for consideration prior to program  
34 planning and budgeting for the following fiscal year.

35 The length of service of a permanent full-time employee of a

1 library service area who is employed by a library service area  
2 on June 30, 2011, and who is hired by the division on or after  
3 July 1, 2011, shall be credited as state employment service  
4 for purposes of vacation and sick leave accrual. The area  
5 administrator of each library service area shall submit to the  
6 division of libraries and information services the personnel  
7 records of each permanent full-time employee of the library  
8 service area by July 1, 2011.